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SEC

SERVICE DATE - AUGUST 8, 2001

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-32 (Sub-No. 91)

BOSTON AND MAINE CORPORATION—ABANDONMENT—IN SUFFOLK COUNTY, MA

Decided: August 7, 2001

On July 20, 2001, the Boston and Maine Corporation (B&M) filed an application for permission to abandon a line of railroad known as the Mystic Wharf Branch extending from milepost 0.00 to milepost 1.45, a distance of 1.45 miles, in Charlestown, Suffolk County, MA. The application will be rejected for failure to comply with the Board's abandonment regulations at 49 CFR part 1152.¹

Under 49 CFR 1152.24(e)(1), an application is subject to rejection if it does not substantially conform to the regulations in subpart C of 49 CFR part 1152² regarding notice, form, and content. These regulations require that an applicant submit revenue and cost data for the subject line, with documentary support and explanations of the assumptions and rationale for the calculations. 49 CFR 1152.22(d)(2).

The economic data contained in B&M's application is inconsistent and unsupported. B&M states that 48 trains operated over the line during the base year and that only 27 carloads of sand and gypsum moved over the line during the same time period. Assuming that at least 1 carload was transported per train, the operation of 21 additional trains without accompanying carloads is not explained.

B&M further states that the 27 carloads weighed 2,024 tons. However, when describing the traffic of the sole shipper on the line, United States Gypsum Company, B&M states that the 27 carloads amounted to "tonnage" of 23,534. This discrepancy is not explained. The stated tonnages for 1999 and 2000 are also not explained. In addition, applicant's exhibit B, at page 7,

¹ Rejection is without prejudice to filing a new application in compliance with 49 U.S.C. 10903 and the regulations at 49 CFR part 1152. A new application must have a new subnumber and be accompanied by a new filing fee.

² The current regulations were adopted in Aban. and Discon. of R. Lines and Transp. Under 49 U.S.C. 10903, 1 S.T.B. 894 (1996) and 2 S.T.B. 311 (1997)(Abandonment Regulations).

shows total freight revenues attributable to the line for the forecast year of \$21,689, but states that total revenues attributable to the line would be \$21,723. This difference is not explained. Absent an explanation for these discrepancies, the application is inconsistent on its face and insufficient for a definitive analysis.³

It is ordered:

1. The application is rejected.
2. This decision is effective on its service date.

By the Board, Vernon A. Williams, Secretary.

Vernon A. Williams
Secretary

³ B&M did not submit workpapers and supporting documents as part of its application, as required by 49 CFR 1152.22. Workpapers and supporting documents assist potential protestants in challenging the data in the application. Furthermore, the omission of workpapers and supporting documents limits the Board's ability to conduct an economic evaluation of the data. The burden is on the applicant to show that the proposed abandonment is in the public interest. Abandonment Regulations, 1 S.T.B. at 906-07. In any future abandonment application, B&M should submit sufficient documentary support for its revenue, cost, and return-on-value amounts to present a complete or prima facie case, so that interested parties and the Board can evaluate the data.